

### **STATUS OF THE CLAIMS**

Claims 1-82 are pending in the Application.

Claims 1-82 are rejected by the Examiner.

Reconsideration of the present Application is respectfully requested.

### **REMARKS**

#### **Specification**

The Examiner has reminded Applicant that an abstract is generally limited to a single paragraph, on a single sheet, within the range of 50 to 150 words. The abstract of the present application is limited to a single paragraph, on a single sheet, and does not exceed 180 words. However, Applicant respectfully submits that in order for the abstract to “sufficiently . . . assist readers in deciding whether there is a need for consulting the full patent text for details”, the fewer than 30 words that exceed the general rule must be left unedited. Therefore, Applicant submits that the abstract of the present application is of a proper format and is suitable.

#### **Drawings**

The Examiner has objected to the drawings as “not presentable”. Applicant has included herewith formal drawings and thus deems the objection overcome.

## **Claims**

### **Claim Rejections Pursuant to 35 U.S.C. §103**

#### **Claims 1, 29, 54 (amended 53) and 76 (amended 75) Rejection Over Cited Art**

Claims 1, 29, 54 (amended 53) and 76 (amended 75) stand rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 6,199,077 to Inala in view of United States Patent No. 6,442,601 to Grampper et al.

Applicant traverses these rejections, and deems them overcome, for at least the reasons stated forth hereinbelow.

35 USC §103(a) recites:

[a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Accordingly, MPEP 706.02(j) states:

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Examiner states:

However, [the] Inala reference does not explicitly disclose,

- writing the second plurality of information to the second at least one of the at least two service providers according to the organizational information protocol correspondent to the second at least one of the at least two service providers.

Grampper teaches, [the above]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine [the] Grampper reference with [the] Inala reference to enable the provider to improve network bandwidth conservation by transferring or migrating information from one source (i.e. service provider) to another which may offer faster access to the information or higher availability of bandwidth. [emphasis added].

Applicant respectfully submits that Inala and Grampper each fail to teach the formation of at least two organizational information protocols as occurs in the present invention. The present invention includes the steps of extracting organizational information from at least two service providers to form at least two organizational information protocols, according to the informational protocol correspondent to the first at least one of the at least two service providers, of a first plurality of information related to the user. Further, the present invention requires an accessing a second at least one of the at least two service providers upon selection of the migration selection interface by the user, and the writing of the first plurality of information to the second at least one of the at least two service providers according to the organizational information protocol (see page 11, lines 12-25 and page 12, lines 1-2 of the present specification) **wherein the organizational information protocol extracted during the extracting step would include the organizational setup of all information gathered from the at least two service providers.** (see page 13, lines 15 – 19). In other words, the present invention

extracts both substantive information and the organizational protocol from a first location, reformats the substantive information in accordance with a different organizational protocol, and writes the reformatted information to a new location.

Grampper not only fails to teach the writing of the first plurality of information to the second at least one of the at least two service providers according to the organizational information protocol, **Grampper fails to teach the use of any organizational information protocol.** Grampper merely employs a set file size value, presumably set by a user of the system familiar with the processing capacity of the secondary storage. Grampper states:

In yet further embodiments, the minimum file size for migration is set to a value, such that the aggregate estimated number of file requests per unit of time for files larger than the minimum file size for migration does not exceed a processing capacity of the secondary storage, i.e., the number of file requests per unit of time that the secondary storage can process. (column 2, lines 59-65).

As stated above, Grampper, among other things, does not teach the writing of the first plurality of information to the second at least one of the at least two service providers according to the organizational information protocol. Since neither Grampper nor Inala, alone or in combination, teach the claim limitations of the present invention, the combination of Grampper and Inala cannot render obvious Claims 1, 29, 54 (amended 53) and 76 (amended 75) of the present invention. *MPEP 706.02(j) (... the prior art reference (or references when combined) must teach or suggest all claim limitations).* Consequently, Applicant traverses the 35 U.S.C. §103(a) rejections and respectfully requests their reconsideration and removal. In addition, Applicant asserts that independent Claims 1, 29, 54 (amended 53) and 76 (amended 75) is in a condition for allowance.

### **Dependent Claims**

In addition, Applicant asserts that dependent Claims 2 - 28, 30 - 53 (amended 52) and 54 (amended 53) – 75 (amended 74) and 77 (amended 76) – 82 (amended 81) are

likewise in a condition for allowance by virtue of the ultimate dependence on independent Claims 1, 29, 54 (amended 53) and 76 (amended 75).

**Conclusion**

Applicants respectfully request reconsideration of the subject application in light of the reasons set forth herein, and a Notice of Allowance for all pending claims is earnestly solicited.

Respectfully Submitted,

**REED SMITH LLP**

A handwritten signature in black ink, appearing to read 'T. McWilliams', is written over a horizontal line.

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